

**U.S. District Court
Northern District of Texas (Dallas)
CRIMINAL DOCKET FOR CASE #: 3:15-mj-00472-BN-1**

Case title: USA v. Frattarola

Date Filed: 07/13/2015

Other court case number: 6:13-cr-101 Eastern District of
Texas

Assigned to: Magistrate Judge
David L Horan

Defendant (1)

James Leroy Frattarola

represented by **Douglas A Morris-FPD**
Federal Public Defender – Dallas
525 Griffin St
Suite 629
Dallas, TX 75202
214/767-2746
Email: doug_morris@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or Community
Defender Appointment*
Bar Status: Admitted/In Good Standing

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

O/D Supervised Release Violation

Disposition

Plaintiff

USA

Date Filed	#	Page	Docket Text
07/13/2015			Arrest (Rule 32) of James Leroy Frattarola. Case Number 6:13-cr-101 from Eastern District of Texas. (mcrd) (Entered: 07/13/2015)
07/13/2015	<u>1</u>	3	Minute Entry for proceedings held before Magistrate Judge David L Horan: Initial Appearance as to James Leroy Frattarola held on 7/13/2015. Deft waived identity hearing, but reserves the right to any pc/detention hearings in the charging district. Deft ordered removed to the ED/TX. Attorney Appearances: AUSA – Mary Walters; Defense – Douglas Morris. (Court Reporter: Digital File) (No exhibits) Time in Court – :04. (mcrd) (Entered: 07/14/2015)
07/13/2015	<u>2</u>		(Document Restricted) CJA 23 Financial Affidavit by James Leroy Frattarola (mcrd) (Entered: 07/14/2015)
07/13/2015	<u>3</u>	4	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to James Leroy Frattarola. (Ordered by Magistrate Judge David L Horan on 7/13/2015) (mcrd) (Entered: 07/14/2015)
07/13/2015	<u>4</u>	5	WAIVER of Rule 32 Hearings by James Leroy Frattarola (mcrd) (Entered: 07/14/2015)
07/13/2015	<u>5</u>	6	Report of Proceedings under Rule 32.1 and Order Entered Thereon as to James Leroy Frattarola. Defendant is removed forthwith to the district in which he is charged. Paperwork sent to Eastern District of Texas. (Ordered by Magistrate Judge David L Horan on 7/13/2015) (mcrd) (Entered: 07/14/2015)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JUDGE: DAVID L. HORAN	
DEPUTY CLERK: Vila Fisher	COURT REPORTER/TAPE NO: FTR
LAW CLERK:	USPO/PTSO:
INTERPRETER:	COURT TIME: 3:41-3:42
A.M.	P.M.
DATE: July 13, 2015	

☐ MAG. NO. ☐ DIST. CR. NO. 3:15-mj-00472-BN *SEALED* USDJ Magistrate Judge David L Horan

UNITED STATES OF AMERICA

v.

JAMES LEROY FRATTAROLA (1)

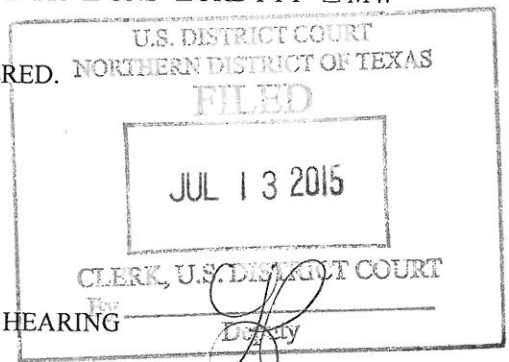
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Mary Walters, AUSA

Doug Morris
COUNSEL FOR DEFENDANTS APPT – (A), Retd – (R), FPD – (F)

- ☒ INITIAL APPEARANCE ☐ IDENTITY ☐ BOND HEARING ☐ PRELIMINARY HEARING
☐ DETENTION HEARING ☐ COUNSEL DETERMINATION HEARING ☐ REMOVAL HEARING ☐ EXTRADITION HEARING
☐ HEARING CONTINUED ON _____ CASE NO. _____ ☐ OTHER DISTRICT ☐ DIVISION
☒ DATE OF FEDERAL ARREST/CUSTODY: 07/13/2015 ☐ SURRENDER _____ ☐ RULE 5/32 ☐ APPEARED ON WRIT
☐ DEFT FIRST APPEARANCE. DEFT ADVISED OF RIGHTS/CHARGES ☐ PROBATION/SUPERVISED RELEASE VIOLATOR
☐ DEFT FIRST APPEARANCE WITH COUNSEL.
☐ DEFT ☐ MW (MATERIAL WITNESS) _____ APPEARED ☐ WITH ☐ WITHOUT COUNSEL
☐ REQUESTS APPOINTED COUNSEL.
☒ FINANCIAL AFFIDAVIT EXECUTED.
☐ ORDER APPOINTING FEDERAL PUBLIC DEFENDER.
☐ PRIVATE COUNSEL APPOINTED _____
☐ DEFT HAS RETAINED COUNSEL _____
☐ ARRAIGNMENT SET ☐ DETENTION HEARING SET _____
☐ PRELIMINARY HEARING SET _____ ☐ BOND HEARING SET _____
☐ COUNSEL DETERMINATION HEARING SET _____
☐ IDENTITY/REMOVAL HEARING SET _____
☐ BOND ☐ SET ☐ REDUCED TO \$ _____ ☐ CASH ☐ SURETY ☐ 10% ☐ PR ☐ UNS ☐ 3RD PTY ☐ MW
☐ NO BOND SET AT THIS TIME, ____ DAY DETENTION ORDER TO BE ENTERED.
☐ ORDER OF TEMPORARY DETENTION/COMMITMENT PENDING HEARING ENTERED.
☐ ORDER OF DETENTION PENDING TRIAL ENTERED.
☐ DEFT ADVISED OF CONDITIONS OF RELEASE.
☐ BOND EXECUTED ☐ DEFT ☐ MW RELEASED ☐ STATE AUTHORITIES ☐ INS
☒ DEFT ☐ MW REMANDED TO CUSTODY.
☒ DEFT ORDERED REMOVED TO ORIGINATING DISTRICT. ID
☐ WAIVER OF ☐ PRELIMINARY HEARING ☐ RULE 5/32 HEARING ☐ DETENTION HEARING
☐ COURT FINDS PROBABLE CAUSE ☒ ID ☐ PC.
☐ DEFT FAILED TO APPEAR. ORAL ORDER FOR ISSUANCE OF BENCH WARRANT.
☐ GOVERNMENT TO NOTIFY FOREIGN CONSULAR.

REMARKS: Request hearing in charging district.



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

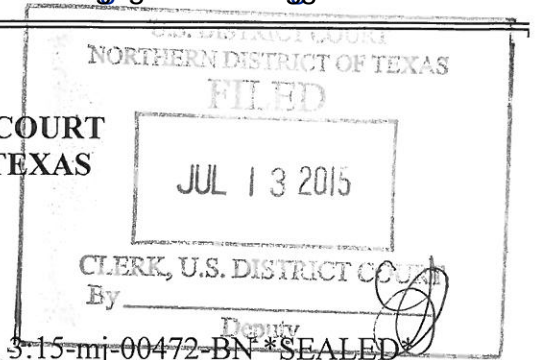
UNITED STATES OF AMERICA

v.

JAMES LEROY FRATTAROLA (1)

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Case No. 3:15-mj-00472-BN *SEALED*



ORDER APPOINTING FEDERAL PUBLIC DEFENDER

The Court, having considered the Financial Affidavit of the Defendant, the court finds that the Defendant is financially unable to obtain counsel, and

IT IS, THEREFORE, ORDERED pursuant to Title 18, United States Code, Section 3006A, that the Federal Public Defender for the Northern District of Texas is appointed as counsel of record for the above named Defendant. Such appointment shall be for all proceedings, including any appeal.

SIGNED this 13th day of July, 2015.

DAVID L. HORAN
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JUL 13 2015

UNITED STATES OF AMERICA

§

Case No. 3:15-mj-00472-BN *SEALED*

v.

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JAMES LEROY FRATTAROLA (1)

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Charging District's Case No. 6:13-cr-101

WAIVER OF RULE 32.1 HEARING
(Violation of Probation or Supervised Release)

I understand that I have been charged with violating the conditions of probation or supervised release in a case pending in another district, the Eastern District of Texas.

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of certified copies of the judgment, warrant, and warrant application, or reliable electronic copies of them if the violation is alleged to have occurred in another district;
- (4) a preliminary hearing to determine whether there is probable cause to believe a violation occurred if I will be held in custody, and my right to have this hearing in this district if the violation is alleged to have occurred in this district; and
- (5) a hearing on the government's motion for my detention in which I have the burden to establish my eligibility for release from custody.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the judgment, warrant, and warrant application.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☒ an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 13th day of July, 2015

Defendant's signature

Signature of defendant's attorney

Printed name of defendant's attorney

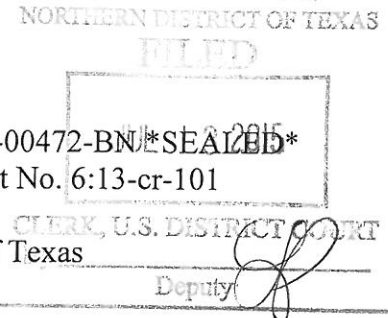
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

JAMES LEROY FRATTAROLA (1)

§ Case No. 3:15-mj-00472-BN*SEALED*
§ Other Dist. Docket No. 6:13-cr-101
§ Charge Pending:
§ Eastern District of Texas
§ Tyler Division



**REPORT OF PROCEEDINGS UNDER RULES 32.1
AND ORDER ENTERED THEREON**

The defendant is charged in the above-referenced district with violating conditions of probation or supervised release. Having been arrested in this district on a warrant issued on the petition to revoke probation or supervised release, she appeared before me for proceedings as follows:

-
- 32.1(a)(5)(A) :** ☐ The alleged violation occurred in this district.
- ☐ The defendant waived preliminary hearing.
- ☐ Based on the evidence presented during preliminary hearing, the Court finds that:
- ☐ There is probable cause to believe that a violation occurred.
- ☐ There is NOT probable cause to believe that a violation occurred.

-
- 32.1(a)(5)(B):** ☒ The alleged violation did not occur in this district.
- ☐ The government has produced certified copies of the judgment, warrant, and warrant application.
- ☒ The defendant waived production of certified copies of the judgment, warrant, and warrant application.
- ☒ The Court finds that the person before the Court is the defendant named in the warrant because:
- ☒ The defendant waived identity hearing.
- ☐ An identity hearing was conducted, and the defendant's identity was established.
- ☐ The Court finds, based on the evidence presented during an identity hearing, that the person before the Court is NOT the defendant named in the warrant.
- ☒ The defendant waived detention hearing in this district and requested that detention hearing be held in the prosecuting district.

ORDER ENTERED ON THE FOREGOING REPORT

TO: UNITED STATES MARSHAL

- ☐ You are commanded to remove the above named defendant forthwith to the district in which he/she is charged and there deliver him/her to the United States Marshal for that district or to some other officer authorized to receive him/her.
- ☐ It is ORDERED that this defendant be released from custody on bond pending further proceedings.
- ☐ It is ORDERED that this defendant be discharged.

SIGNED:

A handwritten signature in black ink, appearing to read 'David L. Horan', written over a horizontal line.

David L. Horan
United States Magistrate Judge

(Use Other Side for Return)